

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

-against-

JESUS CONCEPCION,

Defendant.

No. 21-CR-479 (LAP)

ORDER

LORETTA A. PRESKA, Senior United States District Judge:

The Court has reviewed Mr. Concepcion's most recent request for bail (dkt. no. 56) and the Government's opposition (dkt. no. 59). Mr. Concepcion's request is denied.

This is Mr. Concepcion's third request for bail and he has not presented any new information material to the bail determination. Thus, the Court declines to reopen the bail proceedings. Even if the Court were to reopen the bail proceedings, it would deny the application, adhering to its prior findings.

To the extent that Mr. Concepcion raises his health situation during incarceration, he has not shown that it overcomes the Court's prior findings about dangerousness and risk of flight. To the extent that Mr. Concepcion raises the difficulties in preparing for trial while incarcerated, those are not unique to him and, in any event, he has not shown that

they cannot be overcome, especially with the recent adjournment of trial at his request (see dkt. no. 60).

Finally, considering Mr. Concepcion's application as a request for compassionate release, the request is denied. First, he has not demonstrated exceptional circumstances requiring release. Second, even if he did, consideration of the Section 3553(a) factors counsel against release, particularly the Court's prior finding that Mr. Concepcion poses a danger to the community.

The Clerk of the Court is directed to close the open motion (dkt. no. 56).

SO ORDERED.

Dated: December 22, 2022
New York, New York

A handwritten signature in black ink, reading "Loretta A. Preska". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

LORETTA A. PRESKA
Senior United States District Judge